

EXECUTIVE OFFICER'S REPORT

December 2, 2005

a) **Five Year Infrastructure Plan / Strategic Plan**

The Conservancy's Environmental Services Consultant (see item N, below) was hired to work with the Executive Officer to develop an Infrastructure / Strategic Plan for the Governing Board's consideration. The Consultant is reviewing existing plans and studies done for the River, seeking input from River leaders and conducting independent investigations. The goal is to define a strategic direction, based on a programmatic approach, that will best position the Conservancy to most effectively carry out its mission as defined by Statute. At issue are what roles the Conservancy should play to facilitate the creation of the River Park, both in tandem with partners and on its own. A draft conceptual outline has been developed and is under refinement at this time. The draft will be brought to the Governing Board for consideration at its February 2006 meeting.

b) **San Diego River Hydrology Study**

The Conservancy continues to advance the discussion of a watershed-wide hydrology study for the San Diego River Watershed. On December 5th, the Conservancy will hold a meeting with interested stakeholders and potential partners to begin the process of defining the scope of the Hydrology Study. Three hydrology experts will participate.

See discussion below in item C.

c) **\$50,000 SEP from Metropolitan Transit System (MTS) Application**

On September 21, 2005, the Conservancy submitted a SEP (Supplemental Environmental Project (SEP) application to MTS and the Regional Water Quality Control Board (**Attached as Supporting Document C-1**). The opportunity to submit a SEP proposal is a result of an administrative assessment of civil liability against the MTS for a violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity at its Mission Valley East Light Rail Transit Project. Unlike previous SEPs, the MTS and the Regional Board will both approve the SEP to be funded.

The Conservancy's \$44,620 MTS SEP application proposes to fund a scope of work for the San Diego River Hydrology Study. The Conservancy's SEP is one of at least nine that are under consideration. In early 2006, MTS staff will make a recommendation to the MTS Board on which SEP proposal to fund. The Regional Board must affirm that recommendation; Regional Board action is also expected in early 2006.

d) **Senate Bill 153**

Gov. Arnold Schwarzenegger is promoting a statewide public works "infrastructure" program that may be financed by a bond sale. The LA Times has reported that groups

that have been working closely with the administration say the price tag could be \$50 billion or more. At issue are what elements could be included in such a bond and whether the components of SB 153, including funding for the San Diego River Conservancy, would be incorporated. What ultimately gets included will be determined by the leadership in high-level discussions between now and the end of the year.

Per the Board's adoption of Resolution 05-21, the Executive Officer transmitted a letter requesting support for a larger San Diego River Conservancy line-item allocation in SB 153 to Senator Chesbro, Senator Kehoe, Assemblymember Pavley and all San Diego-based state legislators. See letter and adopted resolution 05-21 attached as **Supporting Document D-1**.

e) **Previously Approved Proposition 40 River Parkways Projects**

- Ocean Beach Bicycle Path Extension (City of San Diego)
- Mission Valley Preserve Restoration (City of San Diego)
- Eagle Peak Acquisition (San Diego River Park Foundation)

The City of San Diego has been working closely with the Resources Agency to complete the Proposition 40 grant applications for its two city projects. Both City grants have been under review by the Resources Agency for almost a year. During that time, the City has been responding to the Agency's requests for additional information necessary to complete their applications and conclude a grant agreement. The Eagle Peak application was submitted to the Resources Agency in November 2005 but has yet to be received.

f) **High Priority Acquisition in City of San Diego**

City of San Diego property representatives met with representatives of the potential high priority property in mid-November and presented two alternative offers: purchase of the entire property or purchase of a portion of the property. The offers are conditional on the City securing funding for the acquisition, the property meeting all environmental requirements and the City Council's concurrence. The City hopes to hear back from the property representatives by the end of the year.

g) **FY 06 Federal Appropriation for acquisitions in Cleveland National Forest / El Capitan Heights**

Discussions with property owners are underway. An update will be provided in February.

h) **Water Quality at Qualcomm Stadium** – *The following report has been provided by staff of the Regional Water Quality Control Board, San Diego Region. A map of the site is provided as **Supporting Document H-1**.*

The Mission Valley Terminal (MVT) is a fuel storage facility and pipeline transfer station for all of the fuel (gasoline, diesel fuel, and jet fuel) that is supplied to San

Diego and the surrounding areas. As a result of historical petroleum storage and distribution operations since the 1960's, soil and groundwater in the vicinity of the MVT have been impacted by accidental releases of petroleum liquids. While these leaks and spills originated on the Terminal property, the impacts to soil and groundwater extend off the terminal property, including the area beneath the Qualcomm stadium and surrounding parking lots (aka the "site"). The Regional Board took enforcement action in 1992 and became the lead agency for the MVT cleanup.

Cleanup and Abatement Order No. 92-01 (CAO) was adopted by the San Diego Regional Water Quality Control Board (Regional Board) in January of 1992. The CAO required the Discharger to remove free phase petroleum and to install the remediation system that is currently removing dissolved phase, free phase, and vapor phase petroleum pollutants from the subsurface on and off of the MVT property. A follow-up time schedule order (TSO) has required the Discharger to expedite their expansion of the groundwater extraction system and the soil vapor extraction system at the site.

On April 13, 2005, the Regional Board adopted Addendum No. 5 to the CAO. Addendum No. 5 includes new compliance dates for cleanup and abatement of groundwater pollution in the off-property area of the site. The cleanup dates are based on technical information collected to satisfy the requirements of the TSO. The off-property cleanup dates are:

- As soon as practicable and no later than **December 31, 2010**, the Dischargers shall remove residual light non-aqueous phase petroleum liquid (liquid gasoline) from subsurface soil and ground water beyond MVT to the extent technically practicable.
- As soon as practicable and no later than **December 31, 2013**, the Dischargers shall reduce concentrations of dissolved phase petroleum hydrocarbon waste constituents in the off-property pollution area to attain background water quality conditions.

An additional factor driving the cleanup at MVT is the City of San Diego's plan to develop the local groundwater resources for municipal use. It is the understanding of the Regional Board staff that the proposed municipal wells may be located within the footprint of the existing MTBE plume. Should the City of San Diego install a drinking water production well in the area of the MVT groundwater pollution, Addendum No. 5 requires the discharger to submit a Drinking Water Replacement Contingency Plan. This Contingency Plan will include the following minimum elements:

- A plan for installation of a groundwater monitoring well network to detect pollution that could impact the water supply wells.

- A description of active interim remediation methods that will be implemented in the event the monitoring network provide evidence that the off-property pollution could disrupt production of potable water supplies from the wells.
- A plan to provide uninterrupted replacement water service, which may include wellhead treatment, for the public water purveyor or private well owner.

The Dischargers have studied the relationship between the surface waters in the area and the groundwater pollution. Their 2005 Site Conceptual Model indicates, “**No surface water impacts have been observed in either the San Diego River or Murphy Canyon Creek.** This finding is consistent with the general lack of hydraulic continuity between surface and groundwater in the off-Terminal area. Off-Terminal, Murphy Canyon Creek appears to be a losing reach prior to discharge into the San Diego River.”

In 2001, a monitoring program to detect new releases from the piping and tanks at MVT. Leak detection systems have been installed on all of the tanks and associated piping at MVT. The systems are monitored regularly allowing the dischargers to repair leaks in a timely manner and protect the environment from future pollution.

Regional Board staff has presented information regarding the MVT cleanup to the San Diego River Coalition, San Diego Clean Water Task Force, and the San Diego Chargers Task Force. The staff was also interviewed by local newspapers and local television stations regarding the cleanup of pollution from the MVT, with particular emphasis on the stadium property.

A special website was created for the MVT cleanup that contains downloadable PDF versions of the important documents related to the case, please see our web site at <http://www.waterboards.ca.gov/sandiego/programs/units/tsmc/MVT/mvt.html>. Please visit the State Water Resource Control Board’s Geotracker website at <http://www.geotracker.waterboards.ca.gov/> for recent groundwater and remediation status reports.

i) **Grantville Redevelopment Area**

On July 8, 2005, the County of San Diego sued the City of San Diego over the City’s Grantville Redevelopment Area. According to the lawsuit, the County claims that the City Council did not have enough evidence to declare the area physically and economically blighted, as required under state redevelopment law.

Per the city attorney assigned to the litigation, the Grantville Redevelopment Area is a Redevelopment Project Area until such a time as a judge or court says differently. Currently the case is scheduled to be heard by a judge in May 2006. An appeal process would most likely take an additional 18 to 24 months.

j) **SDSU Master Plan Revision / Development at Adobe Falls**

On September 20, 2005, the CSU Board of Trustees voted to certify the Final Environmental Impact Report (FEIR) and approve the Campus Master Plan Revision with enrollment ceiling change at San Diego State University. (see adopted Resolution attached as **Supporting Document J-1**)

On October 20, 2005, The City of San Diego, Alvarado Hospital and a Del Cerro residents group filed three separate lawsuits in San Diego Superior Court against the proposed expansion plan. The City does not want to bear the responsibility to pay for the infrastructure costs (road, sewer and public –works costs) needed to support the project. The Alvarado Hospital suit claims the expansion could slow down emergency medical response. The Del Cerro residents' complaint focused on neighborhood traffic and safety concerns.

Currently, the mutual attorneys are consolidating the case so that one judge can hear the case. A court date has not been set. All development projects, including the Adobe Falls housing component, within the Master Plan are on hold at the moment. Student enrollment, however, will increase in accordance with the SDSU Enrollment Planning Projections contained in the FEIR.

k) **TransNet II Environmental Mitigation Program**

Staff has been participating in TransNet II Environmental Mitigation Program (EMP) meetings. I also have a meeting scheduled to meet with Michael Beck to begin development of a strategy designed to position the Conservancy to participate in TransNet II funding. Mr. Beck was one of the original coordinators of the TransNet proposition.

In response to requests by Board Members Bartell and Peugh for an inventory of all Multiple Species Conservation Plan (MSCP) areas as well as all wetland areas within the Conservancy's jurisdiction, the information is currently being developed as part of the electronic upgrade of the parcel map inventory. (See item m below.) The new maps and inventories should be available in February.

l) **Fashion Valley Road repair and Arco gas station at Fashion Valley and Friars**

As you have no doubt read, the Fashion Valley Road repair is complete and the road is open for the Christmas rush. I will attempt to provide you with an update on the Arco gas station at Friday's meeting.

m) **Electronic upgrade of parcel map inventory**

The Conservancy is creating new maps in electronic format to help it advance its work. These maps will include a variety of views, including the application of the Multiple Species Conservation Program along the river. The "base" map will be Figure 1-1 from the County's Watershed Management Plan. The Conservancy is currently purchasing the license to parcels along the river; "owning" the license allows the Conservancy to produce maps in a variety of formats for strategic purposes.

n) **Environmental Services Contract**

Just prior to my medical leave, I hired Ms. Ann Van Leer via an Environmental Services Contract to assist the Conservancy on a variety of programmatic and real estate issues. Most importantly, Ms. Van Leer's primary responsibility is to develop a working draft of the Conservancy's Five-Year Infrastructure Plan/Strategic Plan for your consideration in February. Ms. Van Leer is a real estate expert and conservation broker with years of experience and a very impressive resume. I have been delighted with her work to date.

o) **Loss Of Executive Assistant**

I am sad to inform you that the Conservancy's Executive Assistant, Susan Huntington, is moving on to greener pastures. Susan has recently accepted a position with Caltrans working in their newly created TransNet II department. During her brief tenure, Susan has proved invaluable to the Conservancy and will be sorely missed. Please join me in wishing her well in all her future endeavors. I will be working to replace Ms. Huntington as soon as possible.